

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

COREY LOUIS HINES,	)	
	)	
Movant,	)	
	)	
v.	)	No. 4:10CV39 HEA
	)	
DAVID HAYES, et al.,	)	
	)	
Respondents.	)	

**ORDER**

This matter is before the Court on movant's successive motion under 28 U.S.C. § 2255.<sup>1</sup> The motion is similar to the successive motion that movant previously brought in the case *Hines v. Devore*, 4:09CV1236 HEA, and the Court will dismiss this action for the reasons set forth in that case.

Accordingly,

**IT IS HEREBY ORDERED** that movant's motion under 28 U.S.C. § 2255 is **DISMISSED**, without prejudice, for the reasons set forth in the case *Hines v. Devore*, 4:09CV1236 HEA (order dated 10/29/2009).

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<sup>1</sup>Although movant filed the motion as a petition under § 2241, the Court will construe it as a motion under § 2255 because the remedy under § 2255 is not inadequate or ineffective. *See United States v. Lurie*, 207 F.3d 1075, 1077 (8th Cir. 2000).

**IT IS FURTHER ORDERED** that the Court will not issue a certificate of appealability.

An Order of Dismissal will accompany this Order.

Dated this 29th day of January, 2010.

A handwritten signature in black ink, reading "Henry Edward Autrey", is positioned above a horizontal line.

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE